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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 || UNITED STATES OF AMERICA.

No. CR 08-0730 WHA

11 Plaintiff,

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13 GUILLERMO HERRERA, *et al.*

**ORDER RE DEFENDANT GUILLERMO
HERRERA'S REQUEST FOR
CLARIFICATION AND NOTICE OF
NEWLY DISCOVERED INFORMATION**

14 || Defendants.

16 Defendant Guillermo Herrera requests clarification regarding whether the government was
17 permitted to file its supplemental submission regarding defendants' severance motions *ex parte*
18 and under seal (Dkt. No. 2881). Some of the government's submission was appropriately filed *ex*
19 *parte* but some of it need not be *ex parte*. Prior to the hearing on Monday, the government shall
20 disclose the maximum amount of content to defense counsel except for portions deserving to be
21 *ex parte*.

22 Defendant Guillermo Herrera has also filed a supplemental reply to his motion to sever,
23 indicating he has recently discovered information that may support a motion to sever on newly-
24 discovered grounds (Dkt. No. 2880). Defense counsel is to bring copies of the materials
25 containing this recently-discovered information to the hearing on Monday.

28 || Dated: January 7, 2011.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE